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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,524	12/12/2001	Akio Ito	12324799	8531
27123	7590	05/04/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,524	Applicant(s) ITO, AKIO	
	Examiner Heather D. Gibbs	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,11,12,14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,11,12,14,16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/23/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2,4,11-12, 14,16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi (US 6,750,990) in view of Ijuin et al (US 4,975,787).

For claim 1, which is representative of claim 11, Ohashi discloses an original convey unit 71 adapted to move an original in a sub-scanning direction; an image reading unit 74 adapted to read the original while moving the original by using said original convey unit and output image data; an abnormality detection unit 75 adapted to detect abnormal data output from said image reading unit before said image reading unit reads the original (Fig 7; Col 9 Lines 13-31).

Ohashi does not disclose expressly a control unit adapted to limit an original size in a main-scanning direction which is permitted to be read by said image reading unit in accordance with the position of the abnormality detected by said abnormality detection unit.

Ijuin discloses a control unit adapted to limit reading operation of an original having a predetermined size in a main-scanning direction by said image reading unit while moving the original by using said convey unit in accordance with the position of

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the abnormal data detected by said abnormality detection unit in the main scanning direction (Col 5 Lines 16-43).

Ohashi & Ijuin are combinable because they are from the same field of endeavor, image-reading apparatus.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the teaching of Ohashi by providing Ijuin's control unit.

The suggestion/motivation for doing so would have been to move the original so as to bypass any detected abnormalities from the image-reading unit.

Therefore, it would have been obvious to combine Ohashi with Ijuin to obtain the invention as specified in claim 1.

For claim 2, which is representative of claims 12, Ohashi teaches wherein said abnormality detection unit detects continuity and a position of image data read by said image reading unit to detect the data as an abnormality (Col 9 Lines 43-46,57-67; Col 14 Lines 6-29).

Regarding claim 4, which is representative of claim 14, Ohashi teaches wherein said abnormality detection unit detects continuity, a position, and a width of the image data to detect the data as an abnormality (Col 8 Lines 16-45; Fig 4).

Regarding claim 16, Ohashi teaches a computer to execute the image reading method as defined in claim 11 (Col 15 Lines 5-14).

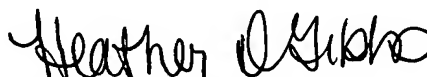
Considering claim 17, Ohashi teaches a storage medium characterized by storing the program defined in claim 16 as a computer-readable program (Col 15 Lines 15-36).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Heather D Gibbs
Examiner
Art Unit 2625

hdg



